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THE QUALITY OF JURORS.

It is undeniable that there is much criticism of the verdicts of juries. This is sometimes partial and unjust. The ideal is that the tribunal renders justice between the parties before it. Of course the judge of the court is not infallible but he is supposed to be learned in the law and qualified by experience to decide competently and intelligently such questions as come within his jurisdiction; but the jury, in all cases where jury trial is provided, is as important towards securing a correct result in a case as the judge of the court. What are the qualifications of the juror? The citizen generally is legally competent, and it may be said that there are no qualifications, but that every one may be a juror. That is to say, a member of a jury may be a moral reprobate, or a person of no intelligence or a shiftless pauper but neither side can get rid of him for that cause. Of course, men of such a description are undesirable as jurors, but it must be admitted that objectionable men are too frequently seen on the juries of most, if not all the courts: persons whom you might not style moral reprobates, ignoramuses or paupers, but such persons as you would say, you would hate to have to see sitting in any case in which you were concerned. To entitle our juries to respect and their verdicts to weight, they are entitled in their make up to a fair representation from the body of all the citizens of the community. If that were done and occasionally some unfit person was found in the box it could not be helped. But, can you have a fair representation if in the very start you are going to cut off your most intelligent and well to do classes and give them an immunity from the service? The Hon. Archer A. Phlegar, in the address delivered by him as president of the Virginia State Bar Association in August of this year, called attention to this evil. The subject of his well-selected address was "The Legislature of 1906, Its Work and Its Lessons," and speaking of some of the statutes passed, he says:

"Another bill, which became chapter 95 of the Acts, extended the already too numerous classes who are exempt from jury service so as to embrace the officers of the state militia.

There are now fifty-six classes exempt from jury service, the most of them composed of men who by reason of station or employment are supposed to be above the average in intelligence

and business experience, and therefore the best fitted for that service.

The readiness of the judges to excuse the best men who are summoned, because of their unwillingness to leave their business during the term of the court, added to the statutory exemptions, commits the trial of many important cases to men who would never be selected, by either the parties or their attorneys, to arbitrate the smallest matter.

It is no wonder that criminals went unwhipped of justice until the mob felt called upon to usurp the functions of judge and jury, that large business interests, whether corporate or individual, fear a jury, and that thoughtful men are more and more frequently asking if trial by jury has not become a failure."

It is curious that the constitution of the state contains but one exemption and that not of a class of individuals but of any and all persons who may be temporarily occupied in a certain way at a given time. It provides, "that no voter, during the time of holding any election at which he is entitled to vote, shall be compelled to * * * attend court * * * as juror." It is evident that this could never have the effect of deteriorating the quality of jurors; but when the legislature comes in with fifty-six class exemptions, all founded on the avocation of the parties exempted, viz; because they are supposed to be busy about something else, it is easy to see that the number to select from has been materially reduced and furthermore reduced at the expense of peculiar fitness. It would probably be best to strike out of the law every one of these exemptions and to rely upon the wisdom of judges not to compel service of such persons in instances where it would be oppressive to the individual or a public inconvenience to have a person absent from his office or calling: but, if it should be contended that some of the exemptions are necessities, what sound reason can be urged in favor of a law which exempts from this service the officers, active members and contributing members of the State militia? Those men work at something every day of their lives; there is hardly a man of that class who is not a business man, earning dollars and cents day by day; is there a reason why one of that class should not sit for a few days of the year in the jury box and earn his dollar a day there? If troops are to be ordered out and the mob or riot put down, cannot the sense of a judge be relied upon to excuse the warrior from further attendance upon

the panel? Interested classes go before committees of the general assembly and use all the influence they can bring to bear in their favor; no one appears on behalf of the administration of justice in the courts and before you know it, another class of citizens is exempt from jury service. The administration of the law in criminal prosecutions as well as in civil cases demands the very best service that the state can give its courts for that purpose. If the courts of "Judge Lynch" are to be abolished and the trial of suits for damages and property rights is to command the respect, much less the admiration of the people, the right arm of the court, the jury, should be constituted of men of worth and of respectability, and no good citizen should be relieved of service by virtue merely of his calling. The writer is unalterably opposed to an abolition of, or indeed to any limitation to the right of trial by jury; and it is for that reason that he feels a jealousy in maintaining it in its highest efficiency. He believes that a level-headed, practical man of affairs is oftentimes as competent as his "honor" on the bench to listen to the statements of witnesses and to come to a correct conclusion as to what is justice between the parties. The first chief justice of one of the original thirteen colonies was not even a lawyer and it is common experience that there are certain men in almost every community who grow up among the people and come to be respected for their prudence and poise in listening to and settling disputes and whose opinions and judgments go a long ways towards satisfying the parties concerned. Having said this much, I must admit that under the existing order of things, it is sometimes a sorry spectacle to walk into a court room and behold the right arm of the court, the jury box, filled with a dozen men (seven now) the aggregate of whose property is measured in the hundreds when the suit on trial involves thousands and any number of close and delicate questions. I say then, away with exemptions, and let judges turn an unwilling ear to the man of business who comes up and wishes to get off because he is busy.

JACKSON GUY.